

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED
MAR 12 2019
Clerk, U.S. District Court
District Of Montana
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DIANE ELIZABETH WALTERS,

Defendant.

CR 12-13-M-DLC-3

ORDER

Before the Court is the Second Motion for Early Termination of Supervised Release (Doc. 146) filed by Defendant Diane Elizabeth Walters. Walters' first motion was denied on June 18, 2018, for the sole reason that Walters had not yet completed two-thirds of her term of supervised release, a requirement imposed routinely by this Court. (Doc. 145 at 1-2.) Now, eight months later, Walters has completed more than two-thirds of her term of supervised release (her five-year term began on October 16, 2015) and she has continued to exhibit the kind of success which merits early termination of her remaining term.

Federal law provides that a court may "terminate a term of supervised release . . . at any time after the expiration of one year of supervised release . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e)(1). In determining whether to

terminate a term of supervised release, a court shall consider the factors set forth in 18 U.S.C. § 3553(a), including:

(1) the nature and circumstances of the offense and the history and characteristics of the defendant; (2) deterrence; (3) protection of the public; (4) the need to provide the defendant with educational, vocational training, medical care or other rehabilitation; (5) the sentence and sentencing range established for the category of defendant; (6) any pertinent policy statement by the Sentencing Commission; (7) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and (8) the need to provide restitution to any victims of the offense.


United States v. Smith, 219 Fed Appx. 666, 667 n.3 (9th Cir. 2007) (unpublished).

On October 16, 2012, Walters was sentenced to 60 months of incarceration and five years of supervised release after pleading guilty to Conspiracy to Distribute Methamphetamine in violation of 21 U.S.C. § 841(a)(1). (Doc. 107 at 1–3.) Since that time, Walters has been employed, sober, and responsible. There have been no incidents during supervision and she has fully complied with all conditions of supervised release. (Doc. 144 at 9–11.) The Court finds that the interests of justice and Walters success on supervised release to date justify early termination of the remainder of her term. Accordingly,

IT IS ORDERED that Walters' Motion (Doc. 146) is GRANTED. The term of supervised release imposed by the October 16, 2012 Judgment is

TERMINATED as of the date of this Order and Walters is hereby DISCHARGED
from the sentence of supervised release in this case.

DATED this 12th day of March, 2019.



Dana L. Christensen, Chief Judge
United States District Court